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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,144	12/05/2000	Joseph A. Burich	1410-67111	8090

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EXAMINER

WORJLOH, JALATEE

ART UNIT PAPER NUMBER

3621

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,144

Applicant(s)

BURICH, JOSEPH A.

Examiner

Jalatee Worjloh

Art Unit

3621

MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed on December 29, 2003, in which claims 1-4 and 13-15 were amended.

Response to Arguments

2. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Publication No. 2001/0037283 to Mullaney.

Mullaney discloses a plurality of remotely connected computers connected together over a network (see paragraph [0032]), members accessing member information regarding products over ones of said remotely connected computers, and wherein at least some member information regarding at least one product resides within at least one of the remotely connected computers, means for maintaining said member information regarding products (see paragraph [0007]), means for searching through member information regarding products responsive to an

Art Unit: 3621

information request from a member (see paragraph [0038]) and means for selectively allowing members to request said member information regarding products [0053]).

Referring to claim 2, Mullaney discloses login means for receiving member identification and corresponding password and, providing a logging-in member portions of said member information responsive to a request (see paragraph [0037]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney as applied to claim 1 above, and further in view of US Patent No. 6609115 to Mehring et al.

Mullaney discloses a webserver storing static content information and serving said static content to members (see paragraph [0022]). Mullaney does not expressly disclose an appserver storing applications for use by members and selectively executing stored applications responsive to selected requests from members, a database server storing said member information regarding products and also storing procedures and functions, said database server managing said stored member information procedures and functions and providing selected portions of said member information regarding products responsive to appropriate request form authorized members and policy server storing user security profiles and managing said stored user security profiles, each of said members' security profile indicating a level of authorization of a corresponding member.

Art Unit: 3621

Mehring et al. disclose an appserver storing applications for use by members and selectively executing stored applications responsive to selected requests from members (see col. 12, lines 30-35) and a policy server storing user security profiles and managing said stored user security profiles, each of said members' security profile indicating a level of authorization of a corresponding member (see col. 10, lines 4-20). As per the database server, this is an inherent component. That is, in order for the members to access and search member information it must be stored in a database. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Mullaney to include an appserver storing applications for use by members and selectively executing stored applications responsive to selected requests from members, a database server storing said member information regarding products and also storing procedures and functions, said database server managing said stored member information procedures and functions and providing selected portions of said member information regarding products responsive to appropriate request from authorized members and policy server storing user security profiles and managing said stored user security profiles, each of said members' security profile indicating a level of authorization of a corresponding member. One of ordinary skill in the art would have been motivated to do this because it provides a system for limiting user access to system documentation stored at an online central service facility (see Mehring et al. col. 2, lines 3-5).

7. Claims 4 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney as applied to claim 1 above, and further in view of US Patent NO. 5913210 to Call.

Mullaney discloses means for searching member information (see claim 1 above).

Mullaney does not expressly disclose a search engine having full text indexing and searching

Art Unit: 3621

capability for searching member supplied documents regarding products stored in said system and a crawler continuously searching and indexing searched said member supplied documents regarding products and search engine searching and retrieving document regarding products indexed by said crawler responsive to member requests. Call discloses a search engine having full text indexing and searching capability for searching member supplied documents regarding products stored in said system and a crawler continuously searching and indexing searched said member supplied documents regarding products and search engine searching and retrieving document regarding products indexed by said crawler responsive to member requests (see col. 7, lines 40-48; col. 11, lines 30-42). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Mullaney to include a search engine having full text indexing and searching capability for searching member supplied documents regarding products stored in said system and a crawler continuously searching and indexing searched said member supplied documents regarding products and search engine searching and retrieving document regarding products indexed by said crawler responsive to member requests. One of ordinary skill in the art would have been motivated to do this because search engines implement proprietary algorithms to create its indices to return only significant results for each query.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney as applied to claim 1 above, and further in view of U.S. Publication No. 2001/0051978 to Allen et al.

Mullaney discloses a member accessible information system (see claim 1 above).

Mullaney does not expressly disclose a personalization server. Allen et al. disclose a

Art Unit: 3621

personalization server, said personalization server recording characteristics of content viewed by members and personalizing content, personalized content automatically being made available to corresponding members thereafter (see paragraphs [0013], [0040]-[0042], and [0045]; fig. 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Mullaney to include a personalization server, said personalization server recording characteristics of content viewed by members and personalizing content, personalized content automatically being made available to corresponding members thereafter. One of ordinary skill in the art would have been motivated to do this because information stored in a personalization server can be used to produce personalized web site content for the user based upon the interest of the user (see Allen et al., abstract).

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney as applied to claim 1 above, and further in view of US Publication No. 2002/0097235 to Rosenberg et al.

Mullaney discloses a member accessible information system (see claim 1 above). Mullaney does not expressly disclose an ad server providing advertising content to members, wherein said ad server manages ad content scheduling, serving and tracking. Rosenberg et al. disclose an ad server providing advertising content to members, wherein said ad server manages ad content scheduling, serving and tracking (see paragraph [0041]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Mullaney to include an ad server providing advertising content to members, wherein said ad server manages ad content scheduling, serving and tracking. One of ordinary

Art Unit: 3621

skill in the art would have been motivated to do this because it is a way to quickly deliver ads to receptive audiences (see Rosenberg et al., paragraph [0008]).

10. Claims 8, 9, 13, 14, 21, 22, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney as applied to claim 1 above, and further in view of US Patent No. 5987440 to O'Neil et al.

Referring to claims 1, 9, 21 and 22, Mullaney discloses a member accessible information system (see claim 1 above). Mullaney does not expressly disclose billing means. O'Neil et al. disclose billing means (i.e. "LivePaymentServer") for tracking member use, deriving member bills from member use and billing individuals ones of said members, said billing means collecting revenues from billed members (see col.2 1, lines 37-62). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Mullaney to include billing means ") for tracking member use, deriving member bills from member use and billing individuals ones of said members, said billing means collecting revenues from billed members. One of ordinary skill in the art would have been motivated to do this because it is an effective means for gaining fees to support operation and maintenance expensive.

Referring to claims 13 and 14, Mullaney discloses a member accessible information system (see claim 1 above). Mullaney does not expressly disclose member information regarding products is stored on member computers, member computers being ones of said remotely connected computers and wherein at least a portion of said member information regarding products is located on a central computer with a database server. O'Neil et al. disclose the system wherein member information is stored on member computers, member

Art Unit: 3621

computers being ones of said remotely connected computers; wherein at least a portion of said member information is located on a central computer with a database server (see col. 14, lines 53-65; col. 27, lines 64-67; col. 28, lines 1-4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Mullaney to include the member information regarding products is stored on member computers, member computers being ones of said remotely connected computers and wherein at least a portion of said member information regarding products is located on a central computer with a database server. One of ordinary skill in the art would have been motivated to do this because a database can store records and organize data for easy retrieval.

Referring to claims 25, 27 and 28, Mullaney discloses member accessible information (see claim 1 above). Mullaney does not expressly disclose wherein one or more specification are stored on member computers, member computers being remotely connected to said information system, the location of remotely stored said specification being stored on said information system; wherein one or more specifications are stored in said central storage and wherein one or more specification are stored in said central storage. O'Neil et al. disclose one or more specification are stored on member computers, member computers being remotely connected to said information system, the location of remotely stored said specification being stored on said information system; wherein one or more specifications are stored in said central storage and wherein one or more specification are stored in said central storage (see col. 14, lines 53-65). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Mullaney to include one or more specification are stored on member computers, member computers being remotely connected to said information system, the

Art Unit: 3621

location of remotely stored said specification being stored on said information system; wherein one or more specifications are stored in said central storage and wherein one or more specification are stored in said central storage. One of ordinary skill in the art would have been motivated to do this because it effectively stores the data for easy retrieval.

11. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney as applied to claim 1 above.

Mullaney discloses members accessing member information regarding products (see claim 1 above). Mullaney does not expressly disclose the members of said system are members of a common industry including suppliers, manufacturers and customers; wherein said common industry is the food industry. However, this difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The members accessing member information step would be performed the same regardless of the type of members. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 (USPQ 401,404 (Fed. Cir. 1983); *In re Lowry*, 32F.3d 1579, 32 USPQ2d 1031 (Fed. Cir 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow members to access other members information in any type of industry because such data does not functionally relate to the steps in the method claimed.

12. Claims 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6115641 to Brown et al. and O'Neil et al. in view of Mehring et al.

Art Unit: 3621

Brown et al. disclose a central storage storing product information for products related to a common industry, remotely connected computers through which members interface to the information management system, and a specification storage storing specifications for ones of said products, stored said specification being selectively provided to ones of said interfacing members (see abstract). Brown et al. do not expressly disclose a web server interfacing members with selected product information stored in said central storage, a security policy server, selecting product information available to each member, an app server, a policy server or a database server. O'Neil et al. disclose a web server interfacing members with selected product information stored in said central storage (see col. 26, lines 44-51; col. 4, lines 25-33) and a database server, said database server storing and managing member information, procedures and functions, and providing selected stored information responsive to appropriate request from authorized members (see col. 17, lines 14-43). Mehring et al. disclose an app server storing applications for use by members and selectively executing stored applications responsive to selected member requests from said web server (see col. 12, lines 30-35), a security policy server, selecting product information available to each member storing user security profiles and managing said stored user security profiles, each of said members' security profile indicating a level of authorization of a corresponding member (see col. 10, lines 4-20; col. 19, lines 13-28; col. 20, lines 1-19). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Brown et al. a web server, security policy server, app server and a database server. One of ordinary skill in the art would have been motivated to do this because it provides a system for limiting user access to system

Art Unit: 3621

documentation/product stored at an online central service facility (see Mehring et al. col. 2, lines 3-5).

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. and O'Neil et al. in view of Mehring et al. as applied to claim 17 above, and further in view of U.S. Publication No. 2001/0051978 to Allen et al.

Brown et al. disclose an information system (see claim 15 above). Brown et al. do not expressly disclose a personalization server. Allen et al. disclose a personalization server, said personalization server recording characteristics of content viewed by members and personalizing content, personalized content automatically being made available to corresponding members thereafter (see paragraphs [0013], [0040]-[0042], and [0045]; fig. 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Brown et al. to include a personalization server, said personalization server recording characteristics of content viewed by members and personalizing content, personalized content automatically being made available to corresponding members thereafter. One of ordinary skill in the art would have been motivated to do this because information stored in a personalization server can be used to produce personalized web site content for the user based upon the interest of the user (see Allen et al., abstract).

14. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. and O'Neil et al., and Allen et al. as applied to claim 18 above, and further in view of US Publication No. 2002/0097235 to Rosenberg et al.

Brown et al. disclose an information system (see claim 1 above). Brown et al. do not expressly disclose an ad server providing advertising content to members, wherein said ad server

Art Unit: 3621

manages ad content scheduling, serving and tracking. Rosenberg et al. disclose an ad server providing advertising content to members, wherein said ad server manages ad content scheduling, serving and tracking (see paragraph [0041]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Brown et al. to include an ad server providing advertising content to members, wherein said ad server manages ad content scheduling, serving and tracking. One of ordinary skill in the art would have been motivated to do this because it is a way to quickly deliver ads to receptive audiences (see Rosenberg et al., paragraph [0008]).

15. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney as applied to claim 21 above.

Mullaney discloses members accessing member information regarding products (see claim 1 above). Mullaney does not expressly disclose the members of said system are members of food industry; wherein said food industry members include suppliers, manufactures an customers. However, this difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The members accessing member information step would be performed the same regardless of the type of members. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 (USPQ 401,404 (Fed. Cir. 1983); *In re Lowry*, 32F.3d 1579, 32 USPQ2d 1031 (Fed. Cir 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow members to access other members information in any type of industry because such data does not functionally relate to the steps in the method claimed.

Art Unit: 3621

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

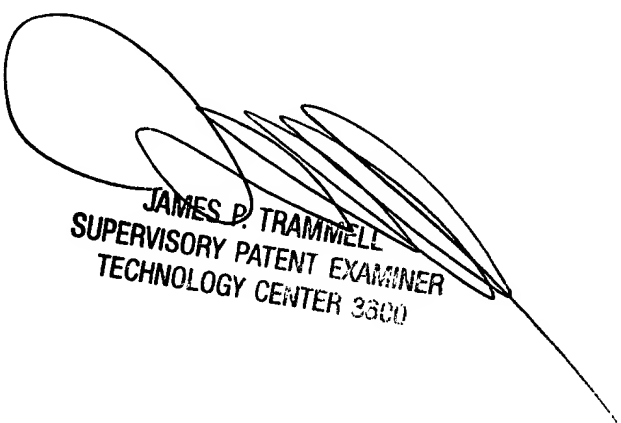
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Any response to this action should be mailed to:

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March 29, 2004


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